

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

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Applicant's or agent's file reference ids.2700.pct.sb.k		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/05722	International filing date (day/month/year) 24.12.2003	Priority date (day/month/year) 09.01.2003	
International Patent Classification (IPC) or both national classification and IPC G11B7/085			
Applicant INFINITE DATA STORAGE LIMITED et al			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 29.07.2004	Date of completion of this report 28.11.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Kyranos, E Telephone No. +49 89 2399-2604 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/05722

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-7 as originally filed

Claims, Numbers

1-19 as originally filed

Drawings, Sheets

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-14,18,19
Inventive step (IS)	Yes: Claims	
	No: Claims	1-19
Industrial applicability (IA)	Yes: Claims	1-19
	No: Claims	

2. Citations and explanations

see separate sheet

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1. Reference is made to the following document:

D1: US-A-6275460

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT. Specifically, D1 discloses an optical mechanical assembly (100) which comprises a single piece chassis (410). Namely, D1 recognizes the problems related to the chassis assembly such as skew and as a solution to these problems introduces the one piece (integral) chassis.
3. As to the features of dependent claims 2-8 related to the chassis being made of metal and having mounting means such as mounting plates for the motor shaft, the spindle motor, the control circuit of the spindle motor, and the drive system, said features are also known from D1.

Thus, the subject-matter of claims 2-8 is not new in view of D1 either.

4. As with regard to claims 10, 14, 18, 19 mention is again made of D1 which discloses the employment of guide rails and also the employment of screws to allow for OPU (optical pick-up unit) tilt adjustment.

Thus, the subject-matter of claims 10, 14, 18, 19 is also known from D1.

5. With respect to claims 11, 12, 13 which relate to the manner the sled motor is being driven, the applicant's attention is again directed to D1 which discloses that said motor can be driven by a number of ways not excluding a leadscrew or a rack and pinion assembly.

Thus, the subject-matter of claims 11-13 is not novel in view of D1 as well.

6. Dependent claims 15-17 relate to the mounting locations of the screws used to allow for OPU tilt adjustment. Although, D1 discloses the employment of screws for tilt adjustment at the ends of the first and/or second guide rail, there is no explicit mention about the employment of a third screw and its particular mounting location.

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The feature related to the third screw, however, is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.

Thus, the subject-matter of claims 15-17 is not inventive.

7. Independent claim 1 should have been placed in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art being placed in the preamble (Rule 6.3(b)(I) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

Also, the features of the claims should have been provided with reference signs placed in parentheses (Rule 6.2(b) PCT).